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Ans

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/678,257	10/06/2003	Jong-Pil Park	1349.1015DC2	3453
21171	7590	04/02/2004	EXAMINER	
STAAS & HALSEY LLP SUITE 700 1201 NEW YORK AVENUE, N.W. WASHINGTON, DC 20005			KLIMOWICZ, WILLIAM JOSEPH	
			ART UNIT	PAPER NUMBER
			2652	

DATE MAILED: 04/02/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/678,257

Applicant(s)

PARK ET AL.

Examiner

William J. Klimowicz

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-4 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-4 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 06 October 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☒ Certified copies of the priority documents have been received in Application No. 09/313,787.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date 10/06/2003.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: ____.

DETAILED ACTION

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1, 3 and 4 are rejected under 35 U.S.C. 103(a) as being unpatentable over Douwes et al. (US 4,849,958) in view of Takahashi (WO/96/21224) (corresponding to (US 6,366,553)).

As per claim 1, Douwes et al. (US 4,849,958) discloses a cartridge (2) for an information recording medium (1), comprising: a cartridge case (2) having an opening (e.g., opening into which holder (7) is received - see FIGS. 3 and 5) to receive the information recording medium (1), an opening cover (7), detachably mounted to the cartridge case (2) at the opening, to enable the information recording medium (1) to be received and/or withdrawn into/from the cartridge case (2); holding means (including (9, 17)) for holding the information recording medium (1) relative to the opening cover (7) by supporting the information recording medium (1) when the information recording medium (1) is completely withdrawn from the cartridge case (2).

As per claim 3, wherein said holding means (including 9, 17) comprises a pair of elastic pressure pads (e.g., portion of arm (9) engaging and supporting the disk periphery), elastically formed on the opening cover (7) (via spring (17)), to elastically support the information recording medium (1) to hold the information recording medium (1) relative to the opening cover (7) when the opening cover (7) is not attached to the cartridge case (2).

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As per claim 4, further comprising receiving ribs (e.g. distal end portions (18) of arms (9)) integrally formed on leading ends of the pair of elastic pressure parts, respectively.

With regard to claim 1, however, Douwes et al. (US 4,849,958) does not expressly disclose positioning means for positioning the information recording medium, which is accommodated in the cartridge case, upward/downward at an exact position.

Takahashi (WO-9621224 A1) discloses positioning means (e.g., 16, 116) for positioning an information recording medium (e.g., 5), which is accommodated in a cartridge case (e.g., 104), upward/downward at an exact position - e.g., see FIG. 2.

It would have been obvious to one of ordinary skill in the art at the time the invention was made to provide the positioning means of Takahashi (WO/96/21224) within the disk cartridge of Douwes et al. (US 4,849,958).

The rationale is as follows: one of ordinary skill in the art would have been motivated to provide the positioning means of Takahashi (WO/96/21224) within the disk cartridge of Douwes et al. (US 4,849,958) "so as to prevent the disk and the cartridge body from coming into sliding contact, and to prevent the signal recording region of the disk from being scratched during transport etc." within the cartridge of Douwes et al. (US 4,849,958) as expressly taught by Takahashi (WO/96/21224). See COL. 2, lines 40-45 of the corresponding English equivalent of Takahashi (WO/96/21224), which is Takahashi (US 6,366,553).

Claim 2 is rejected under 35 U.S.C. 103(a) as being unpatentable over Douwes et al. (US 4,849,958) in view of Takahashi (WO/96/21224) as applied to claim 1 above, and further in view of Manes et al. (US 4,609,105).

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See the description of Douwes et al. (US 4,849,958) and Takahashi (WO/96/21224), *supra*.

As per claim 2, neither Douwes et al. (US 4,849,958) nor Takahashi (WO/96/21224) expressly disclose means for firmly fastening an opening cover to a cartridge case to prevent a gap between the opening cover and the cartridge case when the opening cover is attached to the cartridge case.

Manes et al. (US 4,609,105), however, discloses an analogous disk cartridge wherein there are provided means (e.g., ribs and corresponding recesses with the cartridge and cover, as seen in FIG. 4) for firmly fastening an opening cover (3) to a cartridge case (2) to prevent a gap between the opening cover (3) and the cartridge case (2) when the opening cover (3) is attached to the cartridge case (2).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to provide the means for firmly fastening an opening cover to a cartridge case, as explicitly taught and suggested by Manes et al. (US 4,609,105), to the disk cartridge of Douwes et al. (US 4,849,958) as applied to Takahashi (WO/96/21224).

The rationale is as follows: one of ordinary skill in the art would have been motivated to provide the means for firmly fastening an opening cover to a cartridge case, as explicitly taught and suggested by Manes et al. (US 4,609,105), to the disk cartridge of Douwes et al. (US 4,849,958) as applied to Takahashi (WO/96/21224) in order to "sealably close the cartridge assembly thereby preventing contamination from entering the cartridge interior." See abstract of Manes et al. (US 4,609,105).

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For the foregoing reasons, the Examiner maintains a *prima facie* case of obviousness in view of the reference evidence. Based on the totality of the record, the Examiner determines that the preponderance of evidence weighs most heavily in favor of obviousness within the meaning of section 103(a).

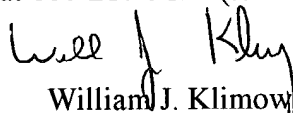
Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to William J. Klimowicz whose telephone number is (703) 305-3452. The examiner can normally be reached on Monday-Thursday (6:30AM-5:00PM).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Hoa T. Nguyen can be reached on (703) 305-9687. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).


William J. Klimowicz
Primary Examiner

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